UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,521	10/28/2003	Hannu Mahonen	KOLS.054PA	5404

76385   7590   11/26/2008

Hollingsworth & Funk, LLC
8009 34th Avenue South
Suite 125
Minneapolis, MN 54425

EXAMINER
LIM, STEVEN

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
11/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/695,521	MAHONEN ET AL.
	Examiner	Art Unit	
	STEVEN LIM	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 August 2008*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,12,16-18 and 22-45* is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-9,12,16-18 and 22-45* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a)☐ All b)☐ Some * c)☐ None of:
  1.☐ Certified copies of the priority documents have been received.
  2.☐ Certified copies of the priority documents have been received in Application No. _____.
  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

4/29/2008 has been entered.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

Claims 16-18 and 22 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter. Regarding claims 16-18 and 22,

the claims are directed to a computer readable medium, Examiner interprets a computer

readable medium as broadly interpreted to include a carrier wave or electromagnetic

signal which is non-statutory.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

    1.   Determining the scope and contents of the prior art.
    2.   Ascertaining the differences between the prior art and the claims at issue.
    3.   Resolving the level of ordinary skill in the pertinent art.
    4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

3.   Claims 1-7, 9,12, and 16-18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Littleton et al. (US 20030023759).

4.   Regarding Claims 1, 9, 12, 16, 17, 18, 23, 32, and 39, Littleton et al. discloses a

synchronization system comprising two synchronization devices (PDA and PC) and

where the first synchronization device (PDA) comprises a user data unit (contact

information including phone numbers and addresses, Paragraph 15), defining in the

synchronization system through a database, binding data (contact record and service

features, Paragraph 15 and 22) which associates a user data identifier (phone number,

Paragraph 22) identifying the user data unit with an identifier for identifying (speed dial

is an identifier, Paragraph 22) at least one function of the first synchronization device

(Paragraph 22), performing a synchronization step between the first synchronization

device and the second synchronization device, the step comprising transferring the user

data unit and the binding data from the first device to the second device (service

features and phone numbers are compressed and sent to PC, Paragraphs 23 and 25),

and forming binding between the user data unit and at least one function of the second

synchronization device in the second synchronization device in accordance with the

binding data received during the first synchronization step (PC accesses records on

PDA for use in emailing program Outlook and address book within Palm Desktop where

address book contains user data bounded by the binding data received, Paragraph 18),

checking if the second synchronization device has user data units defined in the binding

data (map file of server is compared with the map file of the client device using

checksum where checksum is defined using the entries or records of contact

information, Paragraphs 31 and 32), and transmitting any missing user data units to the

second synchronization device (when the checksum is determined to be different the

system knows that a new record has been created on the client which is missing on the

server thus causing the synchronization and transfer of the new record to occur,

Paragraphs 30-32) however Littleton et al. fails to disclose performing a separate

second synchronization step to transfer the binding data in response to the transfer of

the combination of user data and binding data.

5.   It also would have been obvious to one having ordinary skill in the art at the time

of invention was made to form binding based on binding data received from a first

synchronization step during a second synchronization step because the user data must

be transferred first so that there is data to be bound and mapped to a function.

6.   Regarding Claim 2, Littleton et al. further discloses checking in the second

synchronization device whether the first synchronization device supports binding data

synchronization (matching applications, Paragraph 24), and transmitting the binding

data from the first synchronization device to the second synchronization device in the

second synchronization step in response to the fact that the second synchronization

device supports binding data synchronization (Paragraph 25).

7.   It would have been obvious to one having ordinary skill in the art at the time the

invention was made to check in the first synchronization device whether the second

device supports binding data synchronization since it has been held that rearranging

parts of an invention involved only routine skill in the art. *In re Japikse*, 86 USPQ 70

(CCPA 1950).

8.   Regarding Claim 3, Littleton et al. further discloses the binding data (contact

record and service feature or data fields, Paragraph 15 and 22) associates the user

data unit (information within and organized by the contact record, Paragraph 15) with a

resource identifier (phone number, Paragraph 15), which is used by at least one

application (address book database application, Paragraph 20).

9.   Regarding Claim 4, Littleton et al. further discloses the binding data (contact

record and service feature or data fields, Paragraph 15 and 22) associates the user

data unit (information within and organized by the contact record) with a device data unit

(anonymous call reject service feature) which is a data unit affecting the operation of the second synchronization device (Paragraph 20 and 22).

10.   Regarding Claim 5, Littleton et al. further discloses the user data unit is a phone number (Paragraph 15) and the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit with a device data unit, which is a speed dial number (speed dial, Paragraph 22).

11.   Regarding Claim 6, Littleton et al. further discloses the user data unit is a phone number (Paragraph 15) and the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit with a device data unit, which is the identifier of a caller group (distinctive ring on a group, Paragraph 20).

12.   Regarding Claim 7, Littleton et al. further discloses synchronizing the device data unit from the first synchronization unit to the second synchronization unit in connection with the synchronization of the user data unit (synchronization is two way between PC and PDA, Paragraph 34).

13.   Regarding Claim 22, Littleton et al. further discloses the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit (contact record) with a device data unit (anonymous call reject service feature) which is a data unit affecting the operation of the second synchronization device (Paragraph 20 and 22).

14.   Regarding Claim 24, Littleton et al. further discloses the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit (information within and organized by the contact record) with a device data unit

(anonymous call reject service feature) which is a data unit affecting the operation of the second synchronization device (Paragraph 20 and 22).

15.   Regarding Claim 25, Littleton et al. further discloses the user data unit is a phone number (Paragraph 15) and the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit with a device data unit, which is a speed dial number (speed dial, Paragraph 22).

16.   Regarding Claim 26, Littleton et al. further discloses the user data unit is a phone number (Paragraph 15) and the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit with a device data unit, which is the identifier of a caller group (distinctive ring on a group, Paragraph 20).

17.   Regarding Claim 28, Littleton et al. further discloses the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit (information contained in and organized by the contact record, Paragraph 15) with a resource identifier (phone number, Paragraph 15), which is used by at least one application (address book database application, Paragraph 20).

18.   Regarding Claim 29, Littleton et al. further discloses checking in the second synchronization device whether the first synchronization device supports binding data synchronization (matching applications, Paragraph 24), and transmitting the binding data from the first synchronization device to the second synchronization device in the second synchronization step in response to the fact that the second synchronization device supports binding data synchronization (Paragraph 25).

19.   It would have been obvious to one having ordinary skill in the art at the time the

invention was made to check in the first synchronization device whether the second

device supports binding data synchronization since it has been held that rearranging

parts of an invention involved only routine skill in the art. *In re Japikse*, 86 USPQ 70

(CCPA 1950).

20.   Regarding Claim 30, Littleton et al. further discloses controlling the

synchronization device to check if the user data units defined in the binding data have

been transmitted to the second synchronization device (Fig. 3, Item 330) and controlling

the synchronization device to transmit any missing user data units to the second

synchronization device (Fig. 3, Item 350).

21.   Regarding Claim 31, Littleton et al. further discloses the apparatus is arranged to

synchronize binding data formed by another device (Fig. 3, Item 350 and 360).

22.   Regarding Claim 33, Littleton et al. further discloses the binding data (contact

record and service feature or data fields, Paragraph 15 and 22) associates the user

data unit (information within and organized by the contact record) with a device data unit

(anonymous call reject service feature) which is a data unit affecting the operation of the

second synchronization device (Paragraph 20 and 22).

23.   Regarding Claim 34, Littleton et al. further discloses the user data unit is a phone

number (Paragraph 15) and the binding data (contact record and service feature or data

fields, Paragraph 15 and 22) associates the user data unit with a device data unit, which

is a speed dial number (speed dial, Paragraph 22).

24.   Regarding Claim 35, Littleton et al. further discloses the user data unit is a phone number (Paragraph 15) and the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit with a device data unit, which is the identifier of a caller group (distinctive ring on a group, Paragraph 20).

25.   Regarding Claim 36, Littleton et al. further discloses the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit (information within and organized by the contact record, Paragraph 15) with a resource identifier (phone number, Paragraph 15), which is used by at least one application (address book database application, Paragraph 20).

26.   Regarding Claim 38, Littleton et al. further discloses the apparatus and the synchronization devices are mobile terminals (PDA and PC or Laptop, Paragraph 4).

27.   Regarding Claim 40, Littleton et al. further discloses the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit (information within and organized by the contact record) with a device data unit (speed dial feature) which is a data unit affecting the operation of the apparatus (PC is affected by updating of the contact record to include speed dial phone numbers which are matched to user data, Paragraph 20 and 22).

28.   Regarding Claim 41, Littleton et al. further discloses the user data unit is a phone number (Paragraph 15) and the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit with a device data unit, which is a speed dial number (speed dial, Paragraph 22).

29.   Regarding Claim 42, Littleton et al. further discloses the user data unit is a phone number (Paragraph 15) and the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit with a device data unit, which is the identifier of a caller group (distinctive ring on a group, Paragraph 20).

30.   Regarding Claim 43, Littleton et al. further discloses the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit (information within and organized by the contact record, Paragraph 15) with a resource identifier (phone number, Paragraph 15), which is used by at least one application (address book database application, Paragraph 20).

31.   Regarding Claim 45, Littleton et al. further discloses the apparatus and the synchronization devices are mobile terminals (PDA and PC or Laptop, Paragraph 4).

32.   Claims 8, 27, 37, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littleton et al. (US 20030023759) in view of Hepper et al. (US 20030220966).

33.   Regarding Claims 8 and 27, Littleton et al. further discloses the synchronization device is a server (Fig. 1, Item 106) and the other synchronization device is a PC (Fig. 1, Item 104) or client device PDA (Fig. 1, Item 102) and where the second synchronization device maintains a binding data table (server database, Fig. 1, Item 140) which associates the user data unit with identifier related to the device (service feature call forwarding dictates that calls received from a specific phone number will not be received and should be forwarded to another number, Paragraph 22), however

Littleton et al. fails to disclose the server operating on SyncML, and the user data unit

and associated device relation are associated and identified by LUIDs or GUIDs.

34.   In an analogous art, Hepper et al. discloses a synchronization system using

SyncML (Paragraph 24) and where each record is identified by a LUID and a LUID is

associated to a Server ID or GUID (Paragraph 29), which enables each record to be

uniquely identified.

35.   It would have been obvious to one having ordinary skill in the art at the time of

invention was made to use SyncML in order to process the synchronization data using a

common protocol and to associate the user data unit and device to LUIDs in order to

uniquely identify a record and who it belongs to.

36.   Regarding Claim 37, Littleton et al. further discloses the synchronization device is

a server (Fig. 1, Item 106), and the other synchronization device is a PC (Fig. 1, Item

104) or client device PDA (Fig. 1, Item 102) where either PC or PDA acts as server or

client depending on which device has record changes (Fig. 3, Item 330-360) and where

the second synchronization device maintains a binding data table (server database, Fig.

1, Item 140) which associates the user data unit with identifier related to the device

(service feature call forwarding dictates that calls received from a specific phone

number will not be received and should be forwarded to another number, Paragraph

22), however Littleton et al. fails to disclose the client operating on SyncML, and the

user data unit and associated device relation are associated and identified by LUIDs or

GUIDs.

37.   In an analogous art, Hepper et al. discloses a synchronization system using SyncML (Paragraph 24) and where each record is identified by a LUID and a LUID is associated to a Server ID or GUID (Paragraph 29), which enables each record to be uniquely identified.

38.   It would have been obvious to one having ordinary skill in the art at the time of invention was made to use SyncML in order to process the synchronization data using a common protocol and to associate the user data unit and device to LUIDs in order to uniquely identify a record and who it belongs to.

39.   Regarding Claim 44, Littleton et al. further discloses an apparatus (server, Fig. 1, Item 106), and the synchronization device is a PC (Fig. 1, Item 104) or client device PDA (Fig. 1, Item 102) where either PC or PDA acts as server or client depending on which device has record changes (Fig. 3, Item 330-360) and where the second synchronization device maintains a binding data table (server database, Fig. 1, Item 140) which associates the user data unit with identifier related to the device (service feature call forwarding dictates that calls received from a specific phone number will not be received and should be forwarded to another number, Paragraph 22), however Littleton et al. fails to disclose the client operating on SyncML, and the user data unit and associated device relation are associated and identified by LUIDs or GUIDs.

40.   In an analogous art, Hepper et al. discloses a synchronization system using SyncML (Paragraph 24) and where each record is identified by a LUID and a LUID is associated to a Server ID or GUID (Paragraph 29), which enables each record to be uniquely identified.

41.   It would have been obvious to one having ordinary skill in the art at the time of invention was made to use SyncML in order to process the synchronization data using a common protocol and to associate the user data unit and device to LUIDs in order to uniquely identify a record and who it belongs to.

Response to Arguments

42.   Applicant's arguments with respect to claim 1-38 have been considered but are moot in view of the new ground(s) of rejection.

43.   Applicant's arguments filed 8/29/2008 have been fully considered but they are not persuasive. Regarding applicant's argument that Littleton fails to disclose record are checked to determine whether any are missing or that missing records would be requested or transmitted, Examiner disagrees because a checksum is compared between both synchronization devices and if one is different from the other then one of the devices has a change that is missing on the other device (Paragraph 32) thus causing a synchronization to take place and the missing data transferred to the corresponding unit (Paragraphs 30-32). Regarding applicant's argument that Littleton fails to disclose binding data, Examiner disagrees because binding data as broadly interpreted and as disclosed by applicant's specification (Paragraph 27) is disclosed by Littleton as binding data (contact record and service features where both are bound together, Paragraph 15 and 22) which associates a user data identifier (phone number, Paragraph 22) identifying the user data unit with an identifier for identifying (phone

number defined for use in speed dial, Paragraph 22) at least one function of the device

that defines the binding data (speed dial is a function of the device, Paragraph 22).

Regarding applicant's argument that Littleton fails to disclose a second synchronization

step, Examiner disagrees because Littleton discloses a single step for transferring

binding data and user data where it would have been obvious for one skilled in the art to

form binding based on binding data received from a first synchronization step during a

second synchronization step because the user data must be transferred first so that

there is data to be bound and mapped to a function. Therefore the limitations as broadly

claimed and interpreted are disclosed by the references above in the rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Steven Lim whose telephone number is (571) 270-1210.

The examiner can normally be reached on Mon-Thurs 9:00am-4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. L./
Examiner, Art Unit 2617

/Lester Kincaid/

Supervisory Patent Examiner, Art Unit 2617